

To: Benjamin A. Costa(trademark@rcjlawgroup.com)
Subject: U.S. Trademark Application Serial No. 97701811 - FLUID ENGINE
Sent: September 16, 2023 03:34:31 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[graphicsEnginePCMag.JPG](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97701811

Mark: FLUID ENGINE

Correspondence Address:

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UNITED STATES

Applicant: Squarespace Inc

Reference/Docket No. N/A

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NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: September 16, 2023

SUMMARY OF ISSUES:

- REQUIREMENT for Submission of a Disclaimer Statement

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. In order to pursue registration, however, the applicant must respond to the following requirements.

REQUIREMENT for Submission of a Disclaimer Statement

Applicant must disclaim the wording “ENGINE” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence from the industry publication PC Magazine's glossary [Definition of graphics engine | PCMag](#) shows the wording **graphics engine** means "Programming interfaces (APIs) that accept commands from an application and the OS to build images and text that are directed to the graphics driver and hardware." Thus, the wording merely describes applicant’s services because it is a feature and characteristic of the listed software services, namely that it features a graphics engine for use in creating websites and website pages.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use “ENGINE” apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

How to respond: File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Amy Kean/
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#) are not accepted and can cause the application to [abandon](#).** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

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graphics engine

Search PCMag Encyclopedia 🔍

BROWSE ENCYCLOPEDIA

A B C D E F G H I J K L M **N** O P Q R S T U V W X Y Z 0-9

(1) Hardware that performs graphics processing tasks independently of the computer's CPU. Today's graphics engine is known as a graphics processing unit (GPU). See [GPU](#), [graphics accelerator](#) and [graphics coprocessor](#).

(2) [Programming interfaces \(APIs\)](#) that accept commands from an application and the OS to build [images and text that are directed to the graphics driver and hardware](#). The Mac's Quartz and Windows' GDI and DirectX are examples. See [Quartz](#), [GDI](#) and [DirectX](#).

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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on September 16, 2023 for
U.S. Trademark Application Serial No. 97701811

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.